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9 United States District Court
Northern District of California, San Jose Division

10 San Francisco Technology Inc.

Case No. 5:10-cv-03249-JF-PSG

11 Plaintiff

**Stipulation and [Proposed] Order to Continue Motion
Hearing to Allow Time For Settlement**

12 vs.

13 McNeil-PPC Inc.

Date: July 8, 2011
Time: 9:00 a.m.
Room: Courtroom 3, 5th Floor
Judge: Jeremy Fogel

14 Defendant
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1 The parties stipulate and request that the court enter an order as follows:

2 1. The parties have reached a settlement which would result in the dismissal of this case
3 and avoid the need for motion practice. The parties request a continuance of the motion hearing to
4 allow time for a formal settlement agreement to be executed.

5 2. Defendant McNeil-PPC filed a motion to dismiss (Docket No. 33) on May 5, 2011
6 which remains pending. The court is currently scheduled to hear that motion on Friday, July 8, 2011
7 at 9:00 a.m.

8 3. The parties request that the court continue the motion hearing to allow time for the
9 parties to execute a formal written settlement agreement and dismiss this case. The parties request
10 that the court continue the motion hearing to its next available hearing date, but in no event before
11 July 22, 2011.

12 In accordance with General Order 45.X.B., Benjamin R. Lemke, counsel for SF Tech, attests
13 that each other signatory listed below has concurred in this filing.

14 Date: July 7, 2011

Mount, Spelman & Fingerman, P.C.,

/s/ Benjamin R. Lemke

Counsel for San Francisco Technology Inc.

16 Date: July 7, 2011

Patterson Belknap Webb & Tyler LLP

/s/ Irena Royzman

McNeil-PPC Inc.

18 Pursuant to stipulation, it is so ordered.

19 Date: 7/7/11


Jeremy Fogel, U.S. District Judge

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Certificate of Service

The undersigned certifies that the foregoing document was filed using the court's electronic filing system (ECF). The ECF system serves a "Notice of Electronic Filing" to all parties and counsel who have appeared in this action, who have consented under to accept that Notice as service of this document.

Date: July 7, 2011

Mount, Spelman & Fingerman, P.C.,
/s/ Benjamin R. Lemke
Counsel for San Francisco Technology Inc.

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